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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,397	08/25/2003	Larry D. Hewitt	1001-0021-1	3675
22120	7590	05/18/2005	EXAMINER	
ZAGORIN O'BRIEN GRAHAM LLP			KING, JUSTIN	
7600B N. CAPITAL OF TEXAS HWY.				
SUITE 350			ART UNIT	
AUSTIN, TX 78731			2111	
			PAPER NUMBER	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,397

Applicant(s)

HEWITT ET AL.

Examiner

Justin I. King

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the setting a transmit width and setting a receive width in claims 1, 8, and 13, setting the transmit width to a default and setting the receive width to a default in claim 7, the programmable transmit width register and programmable receive width register in claim 8, and the maximum transmit width register and maximum receive width register in claim 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered, and any drawing replacement must be supported by the Specification originally presented.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 2111

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9's claimed value and purpose of the programmable transmit/receive registers have been stated in the claim 8's limitations.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moyer et al. (U.S. Patent No. 5,812,798).

Referring to claims 1 and 13: Moyer discloses that the CPU (figure 1, structure 12) dynamically determines the appropriate data bit width (column 2, lines 6-7) and then latches the data in the appropriate data bit width (column 2, lines 15-17), which is the claimed setting a transmit width.

Art Unit: 2111

Moyer discloses a control circuitry (figure 2, structure 102), decode logic (figure 2, structure 105), and control register (figure 2, structure 94) to hold the data port size and to control the bus width (column 5, lines 5-10, column 11, first paragraph), which is the claimed setting a receive width.

Hence, claim is anticipated by Moyer.

Referring to claims 2, 10, and 14: Sine Moyer configures the CPU's bus width according to the I/O device's bus width, the transmit width is the lesser of the maximum of the CPU's transmit width and the maximum of the I/O device's transmit width.

Referring to claim 3: Moyer discloses the external device (column 2, line 9), which is equivalent to the external source.

Referring to claims 4, 11, and 15: Since the I/O device receives the data from the CPU via a bridge (figure 1, structure 22), the receive width is the lesser of the maximum of the I/O device's receive width and the maximum of the bridge and CPU's transmit width.

Referring to claims 5 and 16: Moyer discloses providing maximum receive width (column 2, lines 10-11) and providing a maximum transmit width (column 2, lines 17-19).

Referring to claims 6 and 17: Since Moyer's CPU configures the data width according to the I/O device's data width, the CPU's data width configuration is equivalent to the providing a CPU's maximum transmit width in determining the I/O device's usable receive width, and the bridge provides a maximum receive width in determining the received usable width.

Referring to claim 7: Moyer discloses that CPU attempts with a default bus width during the first bus cycle (column 2, lines 14-15), which is equivalent to the setting the transmit width to

Art Unit: 2111

a default value. Moyer discloses that the data port size (DSZ) is initialized (column 13, lines 18-20), which is equivalent to the setting the receive width to a default value.

Referring to claims 8-9: Claims are rejected as the claim 1's argument stated above; furthermore, Moyer discloses that the CPU configures the maximum transmit width according to the I/O device's response (column 2, lines 15-19), the means for configuring the transmit width is equivalent the claimed transmit controller and the programmable transmit width register. Moyer discloses a control circuitry (figure 2, structure 102), decode logic (figure 2, structure 105), and control register (figure 2, structure 94) to hold the data port size and to control the bus width (column 5, lines 5-10, column 11, first paragraph). The data port size (DSZ) value is the programmable receive width indicating the physical width.

Referring to claim 12: Moyer discloses that the CPU configures the maximum transmit width according to the I/O device's response (column 2, lines 15-19), the means for configuring the transmit width is equivalent the claimed maximum transmit width register. Moyer discloses control register to hold the data port size and to control the bus width (column 5, lines 5-10, column 11, first paragraph). The data port size (DSZ) value is the maximum receive width indicating the physical width.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2111

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aldereguia et al. (U.S. Patent 5,255,374) and Moyer.

Referring to claims 1 and 13: Aldereguia discloses an operation of system bus and I/O bus via a bus interface unit/bridge (column 2, lines 36-69, column 3, lines 1-20). Aldereguia discloses that the data bus width of the system device is greater than the data bus width of the I/O device (column 2, lines 67-68). Aldereguia discloses buffering the data from the system device to the I/O device (column 3, lines 9-12). Aldereguia discloses that it is known to accommodate the different bus width between the I/O device and system device, but Aldereguia does not disclose setting the transmit with or receive width to accommodate the different bus width. Since the bridge connects to different I/O devices with different bus width, each data transmission between the bridge and a particular I/O device is set to the bus width according to that particular I/O device's data width, which is equivalent to the claimed setting a receive width.

Moyer discloses that the CPU dynamically determines the appropriate data bit width (column 2, lines 6-7) and then latches the data in the appropriate data bit width (column 2, lines 15-17). Moyer teaches one to seamlessly transfer the data between two different data bus width without buffering. Moyer's latching data according to appropriate bus bit width is the setting a

Art Unit: 2111

transmit width based on a usable transmit width. Hence, it would have been obvious to one having ordinary skill in the computer art to adapt Moyer's teaching onto Aldereguia because Moyer teaches one establish a bufferless data transmission by dynamically configuring the processor to different bus sizes.

Referring to claims 2, 10, and 14: Since Moyer configures the CPU's bus width according to the I/O device's bus width, the transmit width is the lesser of the maximum of the CPU's transmit width and the maximum of the I/O device's transmit width.

Referring to claim 3: Moyer discloses the external device (column 2, line 9), which is equivalent to the external source.

Referring to claims 4, 11, and 15: Since the I/O device receives the data from the CPU via a bridge (figure 1, structure 22), the receive width is the lesser of the maximum of the I/O device's receive width and the maximum of the bridge and CPU's transmit width.

Referring to claims 5 and 16: Moyer discloses providing maximum receive width (column 2, lines 10-11) and providing a maximum transmit width (column 2, lines 17-19).

Referring to claims 6 and 17: Since Moyer's CPU configures the data width according to the I/O device's data width, the CPU's data width configuration is equivalent to the providing a CPU's maximum transmit width in determining the I/O device's usable receive width, and the bridge provides a maximum receive width in determining the received usable width.

Referring to claim 7: Moyer discloses that CPU attempts with a default bus width during the first bus cycle (column 2, lines 14-15), which is equivalent to the setting the transmit width to a default value. Moyer discloses that the data port size (DSZ) is initialized (column 13, lines 18-20), which is equivalent to the setting the receive width to a default value.

Art Unit: 2111

Referring to claims 8-9: Claims are rejected as the claim 1's argument stated above; furthermore, Moyer discloses that the CPU configures the maximum transmit width according to the I/O device's response (column 2, lines 15-19), the means for configuring the transmit width is equivalent to the claimed transmit controller and the programmable transmit width register. Moyer discloses a control circuitry (figure 2, structure 102), decode logic (figure 2, structure 105), and control register (figure 2, structure 94) to hold the data port size and to control the bus width (column 5, lines 5-10, column 11, first paragraph). The data port size (DSZ) value is the programmable receive width indicating the physical width.

Referring to claim 12: Moyer discloses that the CPU configures the maximum transmit width according to the I/O device's response (column 2, lines 15-19), the means for configuring the transmit width is equivalent to the claimed maximum transmit width register. Moyer discloses control register to hold the data port size and to control the bus width (column 5, lines 5-10, column 11, first paragraph). The data port size (DSZ) value is the maximum receive width indicating the physical width.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 571-272-3628. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632 or on the central telephone number, (571) 272-2100. The fax

Art Unit: 2111

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. patents and U.S. patent application publications will cease to be mailed to applicants with Office actions as of June 2004. Paper copies of foreign patents and non-patent literature will continue to be included with office actions. These cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. patent or patent application publications will not be granted.



Justin King
May 11, 2005



TIM VO
PRIMARY EXAMINER